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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,883	11/30/2001	Takashi Moriyama	684.3290	2762

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FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER

THOMPSON, CAMIE S

ART UNIT PAPER NUMBER

1774

DATE MAILED: 12/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/996,883

Applicant(s)

MORIYAMA ET AL.

Examiner

Camie S Thompson

Art Unit

1774

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,5,6 and 8-12 is/are pending in the application.
- 4a) Of the above claim(s) 3,4 and 7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1,2,5,6 and 8-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Applicant's amendment and accompanying remarks filed October 9, 2003 have been acknowledged.
2. Examiner acknowledges amended claims 1-2 and 5-6.
3. Examiner acknowledges cancelled claims 3-4 and 7.
4. Examiner acknowledges newly added claims 8-12.
5. The rejection of claims 1 and 4-5 under 35 U.S.C. 102 (b) as being anticipated by JP 07-169567 is withdrawn due to applicant's argument and amended claims.
6. The rejection of claims 1-7 under 35 U.S.C. 102(e) as being anticipated by Tada et al., U.S. Patent Number 6,528,942 is withdrawn due to applicant's argument and amended claims.

### ***Information Disclosure Statement***

7. The information disclosure statement filed October 9, 2003 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered. The Preprint for the 54<sup>th</sup> Meeting of the Applied Physics of Japan reference does not provide an English abstract.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-2, 5-6 and 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baldo et al., U.S. Patent Number 6,097,147 in view of JP 07-169567.

The Baldo reference discloses stacked electroluminescent devices that comprise an anode, a hole transporting layer, an emission layer a blocking layer, an electron transporting layer and a cathode wherein the blocking layer is used to block the diffusion of excitons as per instant claims 1 and 5 (see column 2, lines 15-60). The Baldo reference discloses in column 4, lines 4-13 that a voltage is applied between the cathode and anode to cause light emission from the emission layer as per instant claims 2 and 6. The Baldo reference does not disclose an oxygen absorbent in the device as per instant claims 1 and 5. The Japanese reference discloses an organic electroluminescent element that has an oxygen uptake layer. Additionally, the Japanese reference discloses in paragraph 10 that magnesium is used to absorb oxygen as per instant claims 5 and 8. The abstract of the Japanese reference discloses that the oxygen uptake layer is used to prevent the degradation of a light-emitting characteristic cause by oxygen. Therefore, it would have been obvious to one of ordinary skill in the art to have an oxygen uptake layer in the stacked electroluminescent devices in order to maintain a stable light emitting characteristic over a long period of time as taught by the abstract of the Japanese reference.

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In addition, the Baldo reference does not disclose a sealing layer housed over the device as per instant claims 9-12. The Japanese reference discloses a sealing layer arranged outside of the layered/stacked devices (see Japanese abstract and paragraphs 21 and 52). Also, the Japanese reference discloses that the sealing layer (insulation) can be calcium oxide as per instant claims 9-12. The sealing housing protects the device from moisture and oxygen. Therefore, it would have been obvious to one of ordinary skill in the art to use a sealing layer so that the device can be protected and remain stable with a high degree of luminance.

***Response to Arguments***

10. Applicant's arguments with respect to claims 1-2, 5-6 and 8-12 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Camie S. Thompson whose telephone number is (703) 305-4488. The examiner can normally be reached on Monday through Friday from 7:30 am to 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia H. Kelly, can be reached at (703) 308-0449. The fax phone number for the Group is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.

CYNTHIA H. KELLY  
SUPERVISOR  
TECHNICAL SERVICES

*Cynthia H. Kelly*